

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

2004 JAN -8 P 2: 53

UNITED STATES OF AMERICA,

v.

TODD SHAYS,

Defendant.

S. DISTRICT COURT
DISTRICT OF MASS.
Magistrate No. 03-1770-CBS

MBD No. _____

GOVERNMENT'S ASSENTED TO MOTION TO EXCLUDE TIME

Defendant Todd Shays ("Shays") is currently charged by way of a criminal complaint with possession of a controlled substance - to wit, cocaine, in violation of Title 21, United States Code, Section 844(a). The United States respectfully moves, pursuant to 18 U.S.C. §3161(h)(8)(A) and Section 5(c)(1)(A) of the Plan for the Prompt Disposition of Criminal Cases of the United States District Court for the District of Massachusetts, that this Court enter an order that a period of eighty (80) days, from December 16, 2003 (date of defendant's initial appearance), to and including March 4, 2004, be excluded under the Speedy Trial Act from calculation of the time within which an indictment or information must be filed under 18 U.S.C. §3161(b).

As grounds therefor, the United States states that preliminary discussions between the defendant and the government have begun in an effort to resolve this criminal proceeding by agreement of the parties, and that it is hoped that the additional time requested herein will permit the parties to reach

an agreement before the government is required or inclined to seek an indictment.

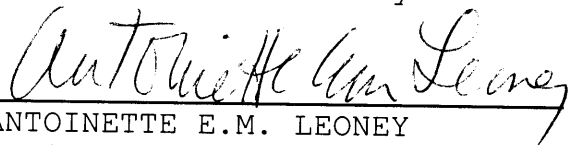
WHEREFORE, the United States respectfully requests, under 18 U.S.C. §3161(h)(8)(A), and §5(c)(1)(A) of Plan for Prompt Disposition of Criminal Cases of this Court, that this Court find, based on the above, that the ends of justice served by granting the requested exclusion of eighty (80) days outweigh the best interest of the public and the defendant in a speedy trial, and, accordingly, exclude eighty (80) days in computing the time within which an information or an indictment must be filed under 18 U.S.C. §3161(b).

The defendant, by and through his attorney, Edward P. Ryan, Esq., O'Connor & Ryan, P.C., 61 Academy Street, Fitchburg, MA 01420, has expressed his assent to the allowance of the within motion.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:


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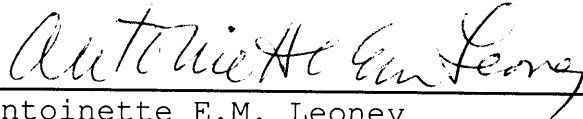
Dated: January 8, 2004

CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts
January 8, 2004

I, Antoinette E.M. Leoney, Assistant U.S. Attorney hereby certify that I have caused a true copy of the forgoing to be served by hand upon defense counsel, Edward P. Ryan, Esq., of O'Connor & Ryan, P.C., 61 Academy Street, Fitchburg, MA 01420



Antoinette E.M. Leoney
Assistant U.S. Attorney